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**BY E.C.F.**

Honorable James L. Cott  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *Alli Umar v. Security Officer Pedlar, et al.*, 14 Civ. 10257 (RA) (JLM)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department, and the attorney assigned to the defense of the above-referenced matter on behalf of defendants City of New York, Dora Schriro, Rose Argo, Kenneth T. Armstead, Lewis Finkelman, Florence Finkle, Kathleen Mulvey, Cathy Potler, Michael Regan, Richard T. Wolf and Correction Officers Fluker, Bravo, Rhor, Pedlar, and Wong (hereinafter “defendants”). Defendants write to respectfully request that the Court, *sua sponte*, grant a thirty (30) day extension of time, from September 4, 2015 until October 5, 2015, for Correction Officers Spears and Almazar to answer the complaint, and, in the interest of judicial economy, a corresponding enlargement of time for defendant Pedlar. As plaintiff is incarcerated and proceeding *pro se*, this application is made directly to the Court.

By way of background, plaintiff’s complaint alleges, *inter alia*, that he was assaulted by several New York City Department of Correction (“DOC”) officers on January 11, 2012. Plaintiff further alleges correction officers assaulted him during a cell extraction sometime in February of 2012. Plaintiff also alleges that he was denied due process and adequate medical care following the alleged incidents in January and February of 2012. On July 27, 2015, the Court ordered defendants to file an answer to the complaint on behalf of Correction Officers Spears, Almazar and Pedlar by July 31, 2015. *See* Docket Entry No. 42. On July 31, 2015, this Office filed a letter requesting a sixty (60) day extension of time to file an answer on behalf of Correction Officers Spears, Almazar and Pedlar. *See* Docket Entry No. 44. On August 3, 2015, the Court, *sua sponte*, granted Officers Spears, Almazar and Pedlar until September 4, 2015 to file an answer to the complaint. *See* Docket Entry No. 45.

An extension of time is necessary in this case for several reasons. For one, as the Court may be aware, defendants Almazar and Spears are no longer employed by DOC. Indeed,

upon information and belief, defendants Almazar and Spears were not employees of the DOC on May 21, 2015, when the Department waived service of summons on their behalf. *See* Docket Entry No. 21. Accordingly, this Office has been unable to contact defendants Almazar and Spears. On August 5, 2015, in an attempt to contact defendants Almazar and Spears, this Office sent, via certified mail, a letter to their last known addresses. To date, this Office has not received a response from either defendant. However, this Office has contacted the Department of Correction Legal Division in an effort to locate different mailing addresses or alternative means for contacting defendants Almazar and Spears. The Department of Correction Legal Division has, in turn, indicated that it will reach out to the Correction Officers' union in an effort to locate defendants Almazar and Spears. Accordingly, an extension of time will allow this Office sufficient time to continue in its attempts at contacting defendants Almazar and Spears. Should this Office manage to contact defendants Almazar and Spears, an enlargement of time will also allow this Office time to conduct the legally mandated inquiry into whether defendants Almazar and Spears are eligible for representation by the Office of the Corporation Counsel. *See* General Municipal Law § 50-k. In the interest of judicial economy, defendants also respectfully request that the Court grant defendant Pedlar a corresponding enlargement of time in order to file one answer to the complaint on behalf of all three aforementioned individually-named defendants.

Accordingly, for the reasons set forth herein, defendants respectfully request that the Court grant, *sua sponte*, a thirty (30) day extension of time, until October 5, 2015, for defendants Almazar and Spears to file an answer and grant a corresponding enlargement of time for defendant Pedlar to respond to the complaint.

Respectfully submitted,

/s/

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cc: Umar Alli, Plaintiff *Pro Se* (By First Class Mail)  
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